

## IV. SENTENCING GUIDELINES GRID

Presumptive Sentence Lengths in Months

Italicized numbers within the grid denote the range within which a judge may sentence without the sentence being deemed a departure. Offenders with nonimprisonment felony sentences are subject to jail time according to law.

### CRIMINAL HISTORY SCORE

| SEVERITY LEVEL OF CONVICTION OFFENSE<br>(Common offenses listed in italics)  |             | 0               | 1               | 2               | 3              | 4              | 5              | 6 or more      |
|--|-------------|-----------------|-----------------|-----------------|----------------|----------------|----------------|----------------|
| <i>Murder, 2nd Degree</i><br>(intentional murder; drive-by-shootings)  | <b>XI</b>   | 306<br>299-313  | 326<br>319-333  | 346<br>339-353  | 366<br>359-373 | 386<br>379-393 | 406<br>399-413 | 426<br>419-433 |
| <i>Murder, 3rd Degree</i><br><i>Murder, 2nd Degree</i><br>(unintentional murder)   | <b>X</b>    | 150<br>144-156  | 165<br>159-171  | 180<br>174-186  | 195<br>189-201 | 210<br>204-216 | 225<br>219-231 | 240<br>234-246 |
| <i>Criminal Sexual Conduct, 1st Degree</i> <sup>2</sup><br><i>Assault, 1st Degree</i>  | <b>IX</b>   | 86<br>81-91     | 98<br>93-103    | 110<br>105-115  | 122<br>117-127 | 134<br>129-139 | 146<br>141-151 | 158<br>153-163 |
| <i>Aggravated Robbery 1st Degree</i><br><i>Criminal Sexual Conduct, 2<sup>nd</sup> Degree (c),(d),(e),(f),(h)</i> <sup>2</sup> | <b>VIII</b> | 48<br>44-52     | 58<br>54-62     | 68<br>64-72     | 78<br>74-82    | 88<br>84-92    | 98<br>94-102   | 108<br>104-112 |
| <i>Felony DWI</i>  | <b>VII</b>  | 36              | 42              | 48              | 54<br>51-57    | 60<br>57-63    | 66<br>63-69    | 72<br>69-75    |
| <i>Criminal Sexual Conduct, 2nd Degree (a) &amp; (b)</i>   | <b>VI</b>   | 21              | 27              | 33              | 39<br>37-41    | 45<br>43-47    | 51<br>49-53    | 57<br>55-59    |
| <i>Residential Burglary</i><br><i>Simple Robbery</i>   | <b>V</b>    | 18              | 23              | 28              | 33<br>31-35    | 38<br>36-40    | 43<br>41-45    | 48<br>46-50    |
| <i>Nonresidential Burglary</i>   | <b>IV</b>   | 12 <sup>1</sup> | 15              | 18              | 21             | 24<br>23-25    | 27<br>26-28    | 30<br>29-31    |
| <i>Theft Crimes (Over \$2,500)</i>   | <b>III</b>  | 12 <sup>1</sup> | 13              | 15              | 17             | 19<br>18-20    | 21<br>20-22    | 23<br>22-24    |
| <i>Theft Crimes (\$2,500 or less)</i><br><i>Check Forgery (\$200-\$2,500)</i>  | <b>II</b>   | 12 <sup>1</sup> | 12 <sup>1</sup> | 13              | 15             | 17             | 19             | 21<br>20-22    |
| <i>Sale of Simulated Controlled Substance</i>  | <b>I</b>    | 12 <sup>1</sup> | 12 <sup>1</sup> | 12 <sup>1</sup> | 13             | 15             | 17             | 19<br>18-20    |



Presumptive commitment to state imprisonment. First Degree Murder is excluded from the guidelines by law and continues to have a mandatory life sentence. See section II.E. Mandatory Sentences for policy regarding those sentences controlled by law, including minimum periods of supervision for sex offenders released from prison.



Presumptive stayed sentence; at the discretion of the judge, up to a year in jail and/or other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in this section of the grid always carry a presumptive commitment to state prison. These offenses include Third Degree Controlled Substance Crimes when the offender has a prior felony drug conviction, Burglary of an Occupied Dwelling when the offender has a prior felony burglary conviction, second and subsequent Criminal Sexual Conduct offenses and offenses carrying a mandatory minimum prison term due to the use of a dangerous weapon (e.g., Second Degree Assault). See sections II.C. Presumptive Sentence and II.E. Mandatory Sentences.

<sup>1</sup> One year and one day

<sup>2</sup> Pursuant to M.S. § 609.342, subd. 2 and 609.343, subd. 2, the presumptive sentence for Criminal Sexual Conduct in the First Degree is a minimum of 144 months and the presumptive sentence for Criminal Sexual Conduct in the Second Degree – clauses c, d, e, f, and h is a minimum of 90 months (see II.C. Presumptive Sentence and II.G. Convictions for Attempts, Conspiracies, and Other Sentence Modifiers).

**Examples of Executed Sentences (Length in Months) Broken Down by:  
Specified Minimum Term of Imprisonment and Specified Maximum Supervised Release Term**

*Offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993 will no longer earn good time. In accordance with Minn. Stat. § 244.101, offenders will receive an executed sentence pronounced by the court consisting of two parts: a specified minimum term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. This provision requires that the court pronounce the total executed sentence and explain the amount of time the offender will serve in prison and the amount of time the offender will serve on supervised release, assuming the offender commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court shall also explain that the amount of time the offender actually serves in prison may be extended by the Commissioner if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison. The court's explanation is to be included in a written summary of the sentence.*

| <b>Executed Sentence</b> | <b>Term of Imprisonment</b> | <b>Supervised Release Term</b> | <b>Executed Sentence</b> | <b>Term of Imprisonment</b> | <b>Supervised Release Term</b> |
|--------------------------|-----------------------------|--------------------------------|--------------------------|-----------------------------|--------------------------------|
| 12 and 1 day             | 8 and 1 day                 | 4                              | 78                       | 52                          | 26                             |
| 13                       | 8 2/3                       | 4 1/3                          | 86                       | 57 1/3                      | 28 2/3                         |
| 15                       | 10                          | 5                              | 88                       | 58 2/3                      | 29 1/3                         |
| 17                       | 11 1/3                      | 5 2/3                          | 98                       | 65 1/3                      | 32 2/3                         |
| 18                       | 12                          | 6                              | 108                      | 72                          | 36                             |
| 19                       | 12 2/3                      | 6 1/3                          | 110                      | 73 1/3                      | 36 2/3                         |
| 21                       | 14                          | 7                              | 122                      | 81 1/3                      | 40 2/3                         |
| 23                       | 15 1/3                      | 7 2/3                          | 134                      | 89 1/3                      | 44 2/3                         |
| 24                       | 16                          | 8                              | 146                      | 97 1/3                      | 48 2/3                         |
| 27                       | 18                          | 9                              | 150                      | 100                         | 50                             |
| 28                       | 18 2/3                      | 9 1/3                          | 158                      | 105 1/3                     | 52 2/3                         |
| 30                       | 20                          | 10                             | 165                      | 110                         | 55                             |
| 33                       | 22                          | 11                             | 180                      | 120                         | 60                             |
| 36                       | 24                          | 12                             | 190                      | 126 2/3                     | 63 1/3                         |
| 38                       | 25 1/3                      | 12 2/3                         | 195                      | 130                         | 65                             |
| 39                       | 26                          | 13                             | 200                      | 133 1/3                     | 66 2/3                         |
| 42                       | 28                          | 14                             | 210                      | 140                         | 70                             |
| 43                       | 28 2/3                      | 14 1/3                         | 220                      | 146 2/3                     | 73 1/3                         |
| 45                       | 30                          | 15                             | 225                      | 150                         | 75                             |
| 48                       | 32                          | 16                             | 230                      | 153 1/3                     | 76 2/3                         |
| 51                       | 34                          | 17                             | 240                      | 160                         | 80                             |
| 54                       | 36                          | 18                             | 306                      | 204                         | 102                            |
| 57                       | 38                          | 19                             | 326                      | 217 1/3                     | 108 2/3                        |
| 58                       | 38 2/3                      | 19 1/3                         | 346                      | 230 2/3                     | 115 1/3                        |
| 60                       | 40                          | 20                             | 366                      | 244                         | 122                            |
| 66                       | 44                          | 22                             | 386                      | 257 1/3                     | 128 2/3                        |
| 68                       | 45 1/3                      | 22 2/3                         | 406                      | 270 2/3                     | 135 1/3                        |
| 72                       | 48                          | 24                             | 426                      | 284                         | 142                            |